

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David S. GARVEY et al.	Confirmation No.:	8446
Application No.:	10/581,340	Art Unit:	1626
Filed:	June 2, 2006	Examiner:	J. M. Nolan
Title:	NITRIC OXIDE RELEASING PYRUVATE COMPOUNDS, COMPOSITIONS AND METHODS OF USE		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

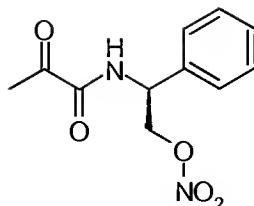
RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed September 29, 2008, Applicant hereby provisionally elects claims 1-4, 11-15, 19 and 20 for continued examination.

Applicants respectfully elect Examiner's Group I drawn to compounds, compositions and kits of Formula (I).

In response to the election of species, Applicant provisionally elect N-[(1S)-2-(nitrooxy)-1-phenylethyl]-2-oxopropanamide; with traverse. The compound has the following structure:



The synthesis of the compound is disclosed in Example 4 in the specification at, for example, page 63, line 28 to page 64, line 27.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0219, under Order No. 0102258.00368US2 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: October 21, 2008

/Belinda M. Lew/
Belinda Lew
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